



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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GLAXO GROUP LIMITED,

Plaintiff,

Civil Action No. 04-171

v.

TEVA PHARMACEUTICALS USA, INC. and  
TEVA PHARMACEUTICAL INDUSTRIES  
LIMITED,

Defendants.  
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**DEFENDANT TEVA USA'S AMENDED RESPONSES TO PLAINTIFF'S  
INTERROGATORIES NOS. 6, AND 7**

Defendant Teva Pharmaceuticals USA, Inc., ("Teva USA") pursuant to Fed. R.

Civ. P. 33, responds to Plaintiffs' Glaxo Group Limited's ("Glaxo") First Set of

Interrogatories as follows. Because discovery and investigation in this case is ongoing,

Teva USA may learn additional facts and information that may affect its responses. Teva

USA expressly reserves the right to update its responses should such information become  
known.

**GENERAL OBJECTIONS**

1. Teva USA objects to each interrogatory to the extent that it calls for the production of information protected from discovery under the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege.
2. Teva USA objects to each interrogatory to the extent that it is overly broad, vague, or unduly burdensome.



infringe claims 1 and 11, or any claims dependent on them, under the doctrine of equivalents.

Moreover, dependent claims 2 and 3, as well as independent claim 11, all require specific amounts of ethanol, as discussed above. Teva USA's ANDA formulation does not contain an equivalent to ethanol, much less an equivalent that is within the specific weight/volume ranges claimed. Accordingly, Teva USA's ANDA formulation does not infringe claims 2, 3, and 11, or any claims dependent on them, under the doctrine of equivalents.

In addition, claim 11 recites the free base of ranitidine, but does not recite a salt of ranitidine. In contrast, claim 1 recites both the free base of ranitidine and a physiologically acceptable salt of ranitidine. The doctrine of claim differentiation limits claim 11 to the free base of ranitidine. Accordingly, Teva USA's ANDA formulation does not infringe claim 11 under the doctrine of equivalents.

Accordingly, Teva USA's ANDA formulation does not infringe any claim of the '249 patent under the doctrine of equivalents. In further response, Teva USA identifies productions documents T 00001-T00535, particularly T00145-48, the patents, patent applications and their file histories mentioned above, and the prior art references mentioned above.

**INTERROGATORY NO. 7:**

For each and all of Teva USA's allegations of invalidity of the claims of the patent-in-suit, explain the factual and legal bases for each allegation and identify all knowledgeable individuals and the documents reviewed, considered and/or relied on in support thereof, including all prior art references.